

DEPARTMENT OF FISH AND GAME

Eastern Sierra-Inland Deserts Region
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April 28, 2004

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MONO COUNTY PLANNING DEPT.
SOUTH COUNTY

Mr. Scott Burns, Director
Mono County Community Development Department
PO Box 347
Mammoth Lakes, CA 93546
Fax (760)924-1801

Subject: NOP for the Intrawest Rodeo Grounds Specific Plan SCH#2004042063

Dear Mr. Burns:

The California Department of Fish and Game (Department) has reviewed the special meeting notice for the pre-application review of the Rodeo Grounds Specific Plan with regard to impacts to biological resources. The proposed project consists of 900 residential and/or lodging units and up to 50,000 square feet of commercial and retail space on 90.2 acres near the intersection of Highway 158 and North Shore Drive north of the June Mountain Ski Area.

The Department is providing comments as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code §1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)) and a Responsible Agency regarding any discretionary actions (CEQA Guidelines §15381) required by the Department. The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and

wildlife.

A review of records from the California Natural Diversity Database (NDDDB) and other records indicate that several listed or sensitive species may occur in the project vicinity and may be affected by the proposed project. These species include but may not be limited to: Mono lake lupine (*Lupinus duranii*), Mono milk-vetch (*Astragalus monoensis var monoensis*), Swainson's hawk (*Buteo swainsoni*), bald eagle (*Haliaeetus leucocephalus*), American peregrine falcon (*Falco peregrinus anatum*), Northern goshawk (*Accipiter gentilis*), Prairie falcon (*Falco mexicanus*), Great gray owl (*Strix nebulosa*), Sierra Nevada mountain beaver (*Aplodontia rufa californica*), Sierra Nevada red fox (*Vulpes vulpes necator*), wolverine (*Gulo gulo*), Slender-leaved pondweed (*Potamogeton filiformis*), and Willow flycatcher (*Empidonax traillii*). Although some of the above-mentioned species are not listed as threatened or endangered, they are considered rare and may become listed in the future. Impacts to rare species, regardless of listing status, may be considered significant under CEQA and require appropriate avoidance, minimization, and compensation measures. The Department requests an analysis of project impacts to the above-mentioned species.

In addition, to adequately analyze potential environmental impacts of the proposed project and to enable Department staff to adequately review and comment on the draft EIR, the following biological analyses must be conducted and included in the draft EIR.

1. A complete assessment of and analysis of potential project-related impacts to the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and habitats. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA §15380). All assessments must be completed using protocols and methodologies approved by the Department and U.S. Fish and Wildlife Service. Assessments must be completed at appropriate times of the year and during appropriate survey hours. All persons conducting the surveys must have the required permits from the appropriate resource agencies. The assessment and analysis should include but may not be limited to:
 - a) A thorough assessment of potential impacts to migratory and summer resident mule deer (*Odocoileus hemionus*) and mule deer herds, nesting raptors, and riparian songbirds;
 - b) A thorough assessment of rare plants and rare natural communities;
 - c) A complete assessment of sensitive fish, wildlife, reptile and amphibian species

including seasonal variations in use of the project area and focused species-specific surveys conducted at the appropriate time of year and time of day using acceptable species-specific survey procedures developed in consultation with the Department and U.S. Fish and Wildlife Service;

- d) An assessment of impacts to and maintenance of wildlife corridor movement areas; and
 - e) A search of the Department's California Natural Diversity Data Base obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
2. A thorough discussion of direct, indirect and cumulative impacts that may adversely affect biological resources with specific measures to offset such impacts. This should include:
 - a) Analysis of project impacts relative to their effect on off-site habitats and populations, specifically nearby public lands, open space, adjacent natural habitats, and riparian ecosystems; and
 - b) A cumulative effects analysis as described under CEQA §15130.
 3. A range of alternatives to ensure that alternatives to the proposed project in this area are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity, where appropriate.
 4. A discussion of potential adverse impacts from any increased runoff, sedimentation, soil erosion, and/or urban pollutants on streams and watercourses on or near the project site, with mitigation measures proposed to alleviate such impacts.
 5. An analysis of possible wildlife-human conflicts and mitigation measures to reduce these conflicts associated with development projects or other uses nearby or adjacent to natural areas.
 6. An analysis of the effect the project may have on completion and implementation of regional and/or subregional conservation programs. Under §2800-2840 of the Fish and Game Code, the Department, through the Natural Communities Conservation Planning (NCCP) program is coordinating with local jurisdictions, landowners, and the Federal Government to preserve local and regional biological diversity. The

Department recommends that the lead agency ensure that the development of this and other proposed projects do not preclude long-term preserve planning options.

7. A thorough discussion of proposed mitigation measures for project impacts to sensitive plants, animals, and habitats emphasizing evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitats elsewhere may be required. It should be noted that:
 - a) The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus these communities should be fully avoided and otherwise protected from project-related impacts;
 - b) The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful; and
 - c) A Department-approved Mitigation Agreement and Mitigation Plan is required for plants listed as rare under the Native Plant Protection Act.

If the project has the potential to adversely affect species of plants or animals listed under the California Endangered Species Act, either during construction or over the life of the project, a permit must be obtained under §2081 of the Fish and Game Code. Such permits are issued to conserve, protect, enhance and restore state-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a Incidental Take Permit.

The Department opposes the elimination of watercourses and/or their channelization or conversion to subsurface drains. All wetlands and watercourses, whether intermittent or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. The Department has direct authority under Fish and Game Code §1600 et. seq. in regard to any proposed activity which would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any river, stream or lake. Departmental jurisdiction under §1600 et. seq. may apply to all lands within the 100-year floodplain. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

Thank you for the opportunity to comment on the proposed project. Questions regarding this letter and further coordination on these issues should be directed to Ms.

Mono County Community Development Department
Rodeo Grounds Specific Plan
April 28, 2004

Adrienne Disbrow, Environmental Scientist, at (760) 873-4412.

Sincerely,



Denyse Racine, Supervisor
Habitat Conservation Program

cc: Ms. Adrienne Disbrow, CDFG Bishop
Mr. Timothy Taylor, CDFG
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